

Buford, Turner (USANYE)

From: Buford, Turner (USANYE)
Sent: Thursday, November 10, 2022 5:59 PM
To: Johnson, Adam (BOP); Modafferi, Matthew (USANYE); Palacio, Andres (USANYE); Papapetru, Sophia (BOP); Howard, Darrin (BOP)
Subject: U.S. v. Sternquist
Attachments: 2022.11.10 Order on Gender Marker (Sternquist).pdf

All,

As discussed, please see the attached written order directing the Bureau of Prisons to change the defendant's SENTRY classification from "M" to "F" by no later than 5pm on Monday, November 14, 2022. Thanks very much,

Turner

F. Turner Buford
Deputy Chief, Public Integrity Section
U.S. Attorney's Office, E.D.N.Y.
271A Cadman Plaza East
Brooklyn, NY 11201
(718) 254-6483 (office)
(347) 539-1116 (cell)
turner.buford@usdoj.gov

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

KARA STERNQUIST,

Defendant.
-----X

:
:
:
:
:
:
:

ORDER
DOCKET NO. 22-cv-473
BOP REGISTRY NO. 44404-061

DORA L. IRIZARRY, United States District Judge:

On November 4, 2022, Defendant Kara Sternquist (“Defendant”) filed a motion requesting that the Court direct the Bureau of Prisons (“BOP”) to change Defendant’s gender marker to female. *See*, Motion, Docket Entry No. 48. On November 9, 2022, the Government opposed the motion claiming that Defendant’s SENTRY file had been updated with a Case-Management-Activity Entry on September 26, 2022 reflecting assignment of code “TRN M2F” pursuant to the policies and procedures set forth in the BOP’s Program Statement entitled the “Transgender Offender Manual” (“the Manual”). *See*, Gov’t Opp., Dkt. Entry No. 54; BOP Program Statement No. 5200.08, January 13, 2022, available at <https://www.bop.gov/policy/progstat/5200-08-cn-1pdf>. On November 10, 2022, the Court held a hearing on the motion via videoconference at the request of the Defendant given that she remains hospitalized.

Based upon the written submissions of the parties and the arguments made at the hearing, the Court finds that there is no good cause and no basis for the BOP to continue to refuse to change Defendant’s “top-line gender classification or marker to “Female” in SENTRY. To fail to do so would only continue to cause the mis-gendering problems that Defendant has faced while in custody at the Brooklyn Metropolitan Detention Center (“MDC”) and in the hospital. Moreover, it is likely to create confusion in the future as Defendant is transferred to different facilities as it is

apparent that there is no inclination by intake officers to go beyond that top-line gender classification to make determinations as to where to house Defendant or otherwise provide care for her. The Court finds no merit to the Government's excuse that the BOP has no technical way to include the Case-Management-Entry code in the top-line gender classification, which sounds like a coding issue that could be handled easily by any IT specialist. Accordingly, it is hereby

ORDERED that, NO LATER THAN 5:00 PM MONDAY, NOVEMBER 14, 2022, the Bureau of Prisons shall change the top-line gender classification of Defendant Kara Sternquist, Registry No. 44404-061, from male to female, whether termed "gender" or "sex". Failure to comply timely with this Order may result in a finding of contempt of court and the imposition of sanctions.

SO ORDERED.

DATED: Brooklyn, New York
November 10, 2022

/s/

DORA L. IRIZARY
United States District Judge